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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/090,643

03/06/2002

Jean-Yves Villet

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05/23/2006

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EXAMINER

THERIAULT, STEVEN B

ART UNIT

PAPER NUMBER

2179

DATE MAILED: 05/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/090,643

Applicant(s)

VILLET ET AL.

Examiner

Steven B. Theriault

Art Unit

2179

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 April 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☒ Other: Interview Summary.


WEILUN LO
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: The applicant's request for reconsideration has been carefully reviewed and is not persuasive for the following reasons: In regard to claim 1, applicant argues that nowhere in Gupta is it suggested that a "determining" or determination is made that the desired information, which is currently pointed at on the screen, is actually within the pointing screen. The Examiner argues that the claim limitations only make reference to a determining step but make no mention of who or what is performing the determination. The Examiner interprets the specification and claim subject matter as the user making the determination and therefore Gupta teaches the user making a determination (See Figures 2-6) where the user makes adjustments to the mask overlay for the purposes of highlighting the specific area on the screen. Second, applicant argues that the claim limitations starting with (at least one of steps (a), (c) and (d) need all be satisfied by the prior art in order to meet the limitations of claim 1. The examiner interprets the limitation wherein either a or c or d need to be performed and therefore Gupta teaches a process of setting a portion of the full screen as a pointing screen (See Gupta Figure 6). Third, applicant argues that Wambach does not teach a fixed member along with a moving member attached to a sensor on the finger. The Examiner argues that Wambach teaches an index finger arrangement with two sensors on the finger in which the first sensor is attached to the upper portion on the index finger that is fixed and not bendable and the second sensor is attached on the second portion of the index finger (lower) that is bendable (See figure 1a No.s 16 and 18) Wambach also teaches the configurations are adaptable to the user desires. Forth, the applicant argues that the prior art does not teach the limitation of setting the speed at which a pointing screen will move across the screen is set. The Examiner argues that a pointing screen is an object on the screen and that one of ordinary skill in the art at the time of the invention would know that setting the speed at which an object will move across the screen when selected by a cursor or mouse is performed by a control panel operation when configuring mouse properties of the system. Therefore, when the object selected by the cursor, the object, will then move across the screen at the speed that is set in the operating system. Further, the examiner argues "the setting" process in the limitation of claim 11 makes no reference as to where the setting is performed. The setting can in the broadest reasonable terms be a physical setting that the user performs in making a constant motion across a surface and that the user makes the determination as to the speed .